HON'BLE SMT. JUSTICE T. MEENA KUMARI

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HON'BLE SRI JUSTICE K.C. BHANU

Writ Petition No.18716 of 2005

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Dated:December 12, 2005

Between:

M. Somi Naidu … Petitioner

And

Visakhapatnam Municipal Corporation rep. by
Its Commissioner, Visakhapatnam and
two others. … Respondents

Oral Order: (per the Hon'ble Smt. Justice T. Meena Kumari)

1. This writ petition is taken up on the basis of a letter dated 15-8-2005 addressed to the Hon'ble the Chief Justice of Andhra Pradesh seeking to do justice on the inaction of the authorities of the first respondent Corporation in not paying compensation to the petitioner on the demolition of his house on
27-8-2003 for the purpose of road widening.

2. According to the petitioner, he belongs to a poor agricultural family and eek out his livelihood by doing daily labour. In the year 1961 he purchased a piece of land legally with registered documents in

Gopalapatnam near Petrol Bunk area of Visakhapatnam District and constructed a thatched house and lived in that house. In the year 1972 he dismantled the thatched house and constructed RCC building on the same land with his small savings. On 27-8-2003 the authorities of the first respondent Corporation dismantled his building with bulldozers for road widening without any prior notice and threw him and his children on the road. The Corporation has not provided any help or compensation to them. He therefore prays to intervene in the matter and do the needful justice to him.

3. The petitioner Sri M.Somi Naidu is present in this Court. His grievance is that he made a representation to the Hon'ble the Chief Justice on 15-8-2005 stating that his house has been dismantled by the authorities of the first respondent Corporation on 27-8-2003 without prior notice and compensation was not paid to him.

4. By order dated 24-10-2005 this Bench directed the Superintendent of Police, Visakhapatnam to submit a report as regards the living condition of the petitioner. The report dated
6-11-2005 given by the Deputy Commissioner of Police, Visakhapatnam City has been received by this Court wherein it is stated that the petitioner along with his eleven (11) family members is presently living in a thatched shed which is erected on the demolished site, located near Petrol Bunk, abutting the road leading to Simhachalam. The petitioner is running a tea stall in front of the shed and making his livelihood.

5. The petitioner is claiming ownership over the demolished house. In view of the fact that the petitioner has to prove his title before the appropriate authority for claiming damages or compensation for demolition of the house, we direct him to approach the District Legal Services Authority, Visakhapatnam for appropriate relief. On being approached by the petitioner, the District Legal Services Authority, Visakhapatnam is directed to provide necessary legal aid to the petitioner.

6. Registry is directed to communicate the order by telegram to the

District Legal Services Authority through District Judge, Visakhapatnam.

7. The petitioner shall appear before the District Legal Services Authority, Visakhapatnam on December 24, 2005 at 10-30 a.m.

8. With the above directions, the writ petition is disposed of.

(Smt. T. Meena Kumari, J)

(K. C. Bhanu, J)

December 12, 2005.

svs